

JAJ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1034

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UNITED STATES OF AMERICA,

C O M P L A I N T
(18 U.S.C. § 922(g))

-against

JULIO AGUILAR,
also known as "Julio Monroy"
and "Alpha,"

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DANIEL SCHOONHEN, being duly sworn, deposes and says that he is a Special Agent with Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

Upon information and belief, on or about September 9, 2010, within the Eastern District of New York, JULIO AGUILAR, also known as "Julio Monroy" and "Alpha," being an alien who was illegally and unlawfully in the United States, did knowingly and intentionally possess in and affecting commerce firearms, to wit: a .380 High Point semi-automatic handgun, a .38 caliber Rohm revolver, and ammunition, and did knowingly and intentionally

receive the firearms and ammunition, which had been shipped and transported in interstate commerce.

(Title 18, United States Code, Sections 922(g)(5)(A) and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I have been a Special Agent of the ICE for over 3 years. My information in this case comes from my personal involvement in the investigation, as well reviews of ICE records, conversations with other law enforcement agents, and other official records of government agencies.

2. On September 9, 2010, at approximately 6:30 a.m., ICE agents were conducting a search for a known gang member (not the defendant) who is in the United States illegally. The agents proceeded to an apartment believed to be a location where the alien was staying, 4120 8th Avenue, Apartment 2R, Brooklyn, New York. The occupants of Apartment 2R did not know the whereabouts of the suspect. Agents then proceeded to knock on the door of Apartment 3R in search of the suspect. The defendant answered the door.

¹/Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest AGUILAR, as described in greater detail below, I have not set forth every fact learned during the course of this investigation.

3. Agents asked the defendant if they could come inside the apartment to look for their suspect. The defendant consented to the entry by the agents. Agents entered the apartment, and were shown two bedrooms by the defendant and the other occupant of the house. According to the defendant and the other occupant, one room belonged to the defendant and the other room belonged to the other occupant.

4. Agents proceeded to sweep the apartment for security purposes. In the bedroom identified by the defendant as his room, agents noticed what appeared to be a firearm in a partially open drawer. The agents asked the defendant if he would consent to a search of his room, and he agreed orally and in writing.

5. In the drawer, agents discovered two firearms: (1) a .380 High Point semi-automatic handgun, (2) a .38 caliber Rohm revolver, as well as multiple rounds of ammunition, including hollow point ammunition. The defendant was also determined to be an illegal alien.

6. The defendant was taken into custody and transported to 26 Federal Plaza, New York, for processing. The defendant was advised of his Miranda rights in Spanish, which he agreed to waive. The defendant stated, in sum and substance and in part, that he is illegally in this country, that he was

